

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20

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FM AMEMBASSY BONN

TO SECSTATE WASHDC 0061

INFO AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION BERLIN

USMISSION NATO BRUSSELS

C O N F I D E N T I A L BONN 01639

E.O. 11652: GDS

TAGS: PGOV, PFOR, GW, UR, WB

SUBJECT: SOVIET CIVIL RIGHTS COVENANT PROTEST

REF: (A) MOSCOW 871; (B) BERLIN 107

L. US REP TABLED DRAFT RESPONSE TO SOVIET PROTEST OF
FRG APPLICATION OF CIVIL RIGHTS COVENANT IN BERLIN
ALONG LINES PARA 3 REF B AT JANUARY 29 BONN GROUP
MEETING. THE UK LEGAL ADVISOR (BERMAN) SAID HE
BELIEVED ALLIED RESPONSE TO SOVIETS SHOULD GO FURTHER,
INASMUCH AS THE SOVIET PROTEST APPEARED NOT ONLY TO
HAVE DISPUTED APPLICATION OF THIS PARTICULAR CONVENTION
TO BERLIN, BUT INDEED TO CAST DOUBT ON THE ENTIRE
PROCESS BY WHICH FEDERAL ACCESSIONS AND LAWS ARE EXTENDED
TO BERLIN. BERMAN BELIEVED IT WOULD BE PREFERABLE FOR
ALLIES TO FIRMLY AND FULLY REFUTE THE SOVIET POINTS NOW,
BOTH FOR THE PARTICULAR CASE INVOLVED (HE AGREED ALLIES
ON FIRM LEGAL GROUND DESCRIBED REF B) BUT ALSO FOR
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FUTURE ISSUES HE WAS CERTAIN THE SOVIETS WOULD RAISE.

BERMAN SUGGESTED THAT DRAFT THEREFORE BE REMANDED TO BERLIN MISSIONS FOR FURTHER STUDY TO DEVELOP RESPONSE OUTLINED ABOVE.

2. THE FRENCH (PAYE) AND FRG (LUECKING) REPS STRONGLY SUPPORTED BERMAN'S RECOMMENDATION. LUECKING SAID FONOFF POLITICAL DIRECTOR VAN WELL'S JANUARY 27 CONVERSATION WITH SOVIET DCM KAPLIN (SEE BONN 1578 - MEMCON BEING POUCHED BERLIN, MOSCOW, AND DEPARTMENT) AND FALIN-BAHR SESSION THE FOLLOWING DAY SUPPORTED BERMAN'S ASSESSMENT OF SOVIET INTENTIONS IN MAKING PROTEST. LUECKING SAID KAPLIN HAD REFERRED TO AND REINFORCED POINTS MADE IN THE JANUARY 18 SOVIET DEMARCHE IN MOSCOW. HE SAID FONOFF BELIEVED SOVIET ASSERTIONS SERIOUS AND SHOULD BE ANSWERED WITH CARE AND FIRMNESS.

3. COMMENT. WE AGREE THAT A DETAILED RESPONSE TO THE JANUARY 18 SOVIET PROTEST WOULD BE APPROPRIATE FOR THE SPECIFIC CASE, GIVEN THE ADDITIONAL INFO PARA 2, AND TO STRENGTHEN OUR DEFENSE AGAINST FUTURE SOVIET ATTEMPTS TO APPLY SIMILAR OBJECTIONS TO ALL CONVENTIONS WHICH REFER TO THE TERRITORY OF CONTRACTING POWERS. HILLENBRAND

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